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IMPLEMENTATION OF THE DECLARATION ON THE ELIMINATION OF ALL FORMS OF INTOLERANCE AND OF DISCRIMINATION BASED ON RELIGION OR BELIEF

Written statement submitted by Human Rights Watch, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[9 March 1998]

GE.98-11015 (E)

1. The Chinese Government insists that it exercises control over religion in accordance with its Constitution, its domestic laws and regulations, and the policies of the Chinese Communist Party. But the controls it uses clearly violate freedom of religion as guaranteed by international human rights instruments, such as the Universal Declaration of Human Rights. China may argue that it respects the right to private belief but it acknowledges no inherent right to engage in public worship, to disseminate religious materials or to manifest a belief in anything other than the five officially recognized religions (Daoism, Buddhism, Islam, Catholicism, and Protestantism), and even there the Government arrogates to itself the right to distinguish between permissible orthodoxy and illegal heterodoxy.

2. Governmental limitations on the right to a public manifestation of one's religious beliefs begin with the requirements that all congregations be registered. For its registration to be accepted, a congregation must have approved professional clergy; a fixed place of worship; and must confine its activities, including evangelism, to a fixed geographical range. An unregistered congregation, by definition, is illegal; a registered congregation agrees to government supervision. Registration is subject to yearly review.

3. The November 1995 Regulations from the Shanghai Religious Affairs Bureau provide a comprehensive review of the kinds of religious activities subject to government regulation and the escalating penalties to which violators are subject. For example, church-run business enterprises require approval; religious debates are banned; religious institutes must "be ready to accept the supervision and directions of the concerned government departments"; religious personnel must seek approval before they can travel to other parts of China for religious purposes; and publication and distribution of literature is subject to "pertinent regulations" which are left undefined. Thus, the Shanghai Guang Qi Research Center had to wait for government approval for many months before it could begin publication of a new catechism. Penalties for organizations begin with warnings and can include fines as high as US$ 7,000 and confiscation of "structures, facilities ... or income". Other municipalities and provinces have similar sets of regulations.

4. The religious regulations are by no means the only ones the Chinese Government relies on to control and persecute religious believers. The Government uses the Law on Assembly and Demonstrations to crack down on meetings, assembly sites, and training classes; urban construction and land codes to close down temples and churches that are not registered with its religious bureaucracy; it uses laws governing printing and publishing to restrict dissemination of religious material; it applies Regulations on the Registration and Administration of Social Organizations and the criminal code to dismantle so-called heterodox sects, that is, groups whose beliefs or practices deviate from the standards set by the arbiters of religious orthodoxy; and the Government uses the State security law to punish religious believers whom the Government believes are using religion to "split" the motherland.

5. A campaign under way in Tongxiang in northern Zhejiang province in 1997 provides an example not only of how a variety of laws are invoked to control religious life, but also of how a municipality mobilizes a variety of government and Party departments to establish a task force to deal with the

alleged problem. In Tongxiang, the Public Security Bureau, the United Front Work Department, religious, propaganda, civil affairs, and education bureaux, judiciary organs, construction agencies, and trade union, youth and women's organizations all had roles in forcing registration, re-educating those engaged in "illegal religious activities", isolating core believers, strengthening supervision of religious affairs, and shutting down illegal sites. The document outlining the campaign made clear that underground clerics and self-styled missionaries who "cannot yet be punished according to the law" should be "placed under strict surveillance". It addressed the matter of minors and party members becoming believers, and finally, it stressed the secret nature of the work.

6. In a similar campaign in Donglai township in Jiangxi province, some of the methods used involved infiltration of schools with strict punishments mandated for students and teachers caught carrying religious materials, the thorough destruction of any underground monastery or convent, and the taking of precautionary measures to ensure that no large-scale gatherings, such as at Christmas, could take place. At such times, residents could neither leave their villages nor receive guests.

7. In the Xinjiang Autonomous Region with its large Muslim population, the methods of religious "rectification" have been similar to those cited above. In Ili County, for example, religious authorities shuttered mosques that had been built without approval, closed privately-run scripture classes, "dispersed" the students, and arrested "illegal" religious activists. There, too, authorities concentrated efforts on putting a stop to the teaching of illicit religious views in public schools.

8. The bulk of Chinese worshippers manifest their beliefs outside the structures of officially recognized religions. Their belief structure and practice, usually termed popular religion, is labelled "feudal superstition" by Chinese authorities. In an effort to weed out long-entrenched practices, such as exorcism, the casting of lots, and healing, and to bring all religious activities under its control, the Government's Religious Affairs Bureau and the Chinese Communist Party's United Front Work Department have banned the building of temples and the erection of Buddhist statues. The two organizations together issued a circular citing as reasons enough for the ban the existence of sufficient authorized religious sites to meet the needs of the population and the parallel existence of some 40,000 unauthorized temples. It is unclear if the unauthorized sites are Buddhist temples or are used by those who prefer to worship in accordance with the indigenous traditions of popular religion.

9. In addition to the outright ban on "feudal superstition", in mid-1996 the Chinese Government authorized a crackdown on sects or cults it labelled as heterodox. An internal document, Some Hot Issues in Our Work on Religion, calls for such sects to be dealt with severely. In one well-known 1997 case, Xu Yongze, leader of the Born Again movement, received either a three- or four-year sentence for "disturbing the public order". To be considered truly repentant, Born Again disciples weep for three days, a practice considered heterodox by some. Han Wenzao, leader of the official Chinese Christian Council, for example, went so far as to say that Xu was not a Christian. The libel and the crackdown speak further to China's attempt to control not only the manifestation of belief but belief itself.

10. The Chinese Government has also forcefully interfered with religious practice in Tibet. In 1995 it seized control of the selection of the Panchen Lama to the extent that the eight-year-old boy (he will be nine in April 1998) chosen by the Dalai Lama is still in "protective custody" in Beijing. Chadrel Rinpoche, the abbot who headed the official search team for the Panchen Lama, is serving a six-year prison term, reportedly in horrendous conditions in a secret compound in Chuangdong No. 3 Prison, Dazu county, Sichuan province. The compound is forbidden to all but three people, two commissars who report directly to the Ministry of Justice and a prisoner who acts as a guard and a cook. Chadrel Rinpoche reportedly is denied all outside contacts and is restricted to his cell. Before Chinese authorities decided to intensify the campaign against the Dalai Lama, they endorsed Chadrel Rinpoche's decision to cooperate with him in the search for the Panchen Lama. After the policy hardening, religious contact with the Dalai Lama was proscribed and the issue became contentious. The Dalai Lama's announcement - pre-emptive so far as the Chinese Government was concerned - that the boy had been identified, was evidence that Chadrel Rinpoche had been in communication with the Dalai Lama.

11. Interference in Tibetan religious affairs takes other forms as well, including political vetting of monastic officials and the expulsion from their monasteries and nunneries of monks and nuns who refuse re-education. Over 150 arrests and at least one death have occurred in connection with the re-education campaign since April 1996.

12. In November 1994, M. Abdelfattah Amor, the United Nations Special Rapporteur on religious intolerance, visited China. His subsequent report made several important recommendations, none of which have been accepted either in principle or practice by the Chinese Government. Human Rights Watch urges that as follow-up, Mr. Amor and Chinese officials begin discussions aimed at bringing China's official religious policy into conformity with international standards. Among the most important of Mr. Amor's recommendations are: amending article 36 of the Chinese Constitution "so that the right to manifest one's religion is recognized along with the already recognized right to freedom of belief", a change in policy so that religious believers may become members of the Communist Party, which is essentially the governing body in China; an extension of protection to those whose belief structure falls outside the scope of officially recognized religions; and an end to surveillance of believers. Human Rights Watch believes that the registration requirement; the imposition of criminal and financial sanctions for those who worship outside the aegis of official control; the vetting of religious personnel; and, in Tibet, the expulsion of monks and nuns who, so far as the Chinese Government is concerned, are politically suspect, also require discussion. Human Rights Watch further urges that the United Nations Committee on the Rights of the Child begin immediate contacts with Chinese authorities to secure the release of Gendun Choeyki Nyima, the child recognized by the Dalai Lama as the reincarnation of the Panchen Lama.